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RUEHBY/AMEMBASSY CANBERRA 1987
RUEHNE/AMEMBASSY NEW DELHI 5464
RUEHUL/AMEMBASSY SEOUL 9058
RUEHKO/AMEMBASSY TOKYO 6634
RUEAIIA/CIA WASHDC
RHHMUNA/CDR USPACOM HONOLULU HI
RUEHGV/USMISSION GENEVA 4447
RHEHNSC/NSC WASHDC
RUCNDT/USMISSION USUN NEW YORK 2440
RUEKJCS/SECDEF WASHDC
RUEHBS/USEU BRUSSELS
RUEKJCS/JOINT STAFF WASHDC

C O N F I D E N T I A L SECTION 01 OF 03 RANGOON 000310

SIPDIS

STATE FOR EAP, IO, AND CA/OCS/ACS/EAP; PACOM FOR FPA

E.O. 12958: DECL: 05/25/2019

TAGS: [CASC](#) [PGOV](#) [PHUM](#) [PREL](#) [BM](#)

SUBJECT: BURMA: AUNG SAN SUU KYI TESTIFIES; THANKS DIPLOMATS

REF: RANGOON 303 AND PREVIOUS

Classified By: Political Officer Sean K. O'Neill for Reasons 1.4 (b) & (d)

Summary

¶1. (C) Aung San Suu Kyi (ASSK) took the stand May 26 after the prosecution unexpectedly rested its case on May 25. ASSK answered the judges' questions about a written statement she submitted to the court in which she apparently set forth her version of the events surrounding American citizen John Yettaw's intrusion into her home. ASSK's attorneys petitioned for time to consult with her prior to testimony but judges denied the motion. The diplomatic corps and Burmese correspondents for international media attended the hearing. ASSK twice addressed diplomats in the courtroom, expressing appreciation for their support.

¶2. (C) Earlier May 26 at a briefing for the diplomatic corps, senior Burmese police stated that, prior to the Yettaw incident, the regime had been "seriously considering" releasing ASSK this month. The officials did not offer a prediction about the court verdict, but they made clear the regime believes it has flexibility to extend her detention if it serves their needs. Authorities permitted Consul to meet with Amcit John Yettaw on May 23 and 24. Yettaw is continuing his 19-day-long fast, but told Consul he is in better spirits after he met with a Burmese psychiatrist over the weekend. End Summary.

The Prosecution Rests

¶3. (SBU) On May 25, the prosecution unexpectedly rested its case against ASSK, her two assistants, and John Yettaw, announcing it would forego its nine remaining witnesses. Most of the prosecution's final day focused on the GOB's argument that the restrictions on ASSK were based on provisions from Burma's 1974 constitution. ASSK's attorneys argued that since the 1974 constitution is no longer valid and the new constitution will not come into force until after the 2010 elections, ASSK's restrictions are invalid. However, the court upheld the prosecution's objection, ruling that the restrictions are valid and not subject to debate.

ASSK on the Stand

¶4. (C) On the afternoon of May 26, Aung San Suu Kyi, in the presence of Rangoon's diplomatic corps and Burmese correspondents for international media, submitted a written statement to the court in which she apparently set forth her version of events. The Judges then called ASSK to the stand to answer questions about the statement. ASSK's attorneys argued they had not had sufficient time to consult with her prior to testimony and asked the judges to provide such time.

The two judges, clearly unprepared for such a request in the presence of diplomats and journalists, appeared visibly agitated but eventually denied the motion. The judges subsequently questioned Aung San Suu Kyi for approximately 30 minutes about her statement. (Note: Yettaw's attorney told us ASSK was testifying under a Burmese legal procedure which permits only judges to question the accused. End note.) ASSK told the court she did not inform the authorities of Yettaw's arrival at her home because she believed his stay would be temporary. She said that she was unaware that he had taken photos and videos of her home until she saw the evidence in court.

ASSK Again Thanks Diplomats

¶5. (SBU) MOFA used a hastily-called briefing the afternoon of May 25 to notify the diplomatic corps it could attend this

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afternoon's session. ASSK (looking slightly more worn than she had on May 20) addressed diplomats in the courtroom twice to express appreciation for attending the trial and for supporting her. Before the hearing started, she said, "Thank you all for coming. It means a lot that you are here. I really appreciate your support. It's difficult to talk this way." She echoed those comments before she left the courtroom upon conclusion of her testimony.

¶6. (C) The court had unexpectedly cancelled the May 26 morning trial session. They did not provide a reason, but Yettaw's lawyer told Consul he had heard it was because ASSK wanted to consult with her lawyers - a request the court denied. Earlier, ASSK's defense team publicly complained they had not been given sufficient time to consult with their client given the prosecution's unexpected May 25 decision to rest its case. The judges ended the May 26 proceedings without the defense having yet called any of the four persons the media reported would be its witnesses: political prisoner and NLD Vice-Chairman U Tin Oo, recently released NLD Central Executive Committee member Win Tin, and two Burmese lawyers. It is not clear whether any of those individuals will be asked -- or allowed -- to testify later.

The GOB's PR Blitz

¶7. (SBU) Early on the morning of May 26, GOB officials briefed the diplomatic corps and journalists about the status of ASSK's detention. Charge attended as did a number of other chiefs of mission. Deputy Home Affairs Minister (and Chief of Police) Khin Yi and Police Special Branch Director Brigadier General Myint Thein, joined by Deputy Attorney General Myint Naing, laid out how the GOB believes it is legally entitled to renew ASSK's house arrest through at least November 2009. BG Myint Thein claimed the GOB had been seriously considering releasing ASSK when her current period of house arrest expires on May 27, 2009, until the Yettaw incident occurred. He did not specifically predict an extension of detention, though many have presumed as much from the briefing and its timing. The BG noted that ASSK has legal counsel, and he asserted that authorities have been looking after her health and providing her with other necessities.

Yettaw's Spirits Improve - Physical Health Still Weak

18. (SBU) On May 23, Consul was permitted a supervised meeting with Amcit John Yettaw for 50 minutes at a reception room in Insein Prison. Yettaw said he met with a GOB-provided psychiatrist on May 22, and sharing his feelings helped "lighten my load." Yettaw attributed his earlier obsession with death (reftel) to a prison doctor who reportedly joked to Yettaw that he was only permitted to die "after you leave Burma." (Note: Consul immediately cautioned authorities that such comments could have a real effect on Yettaw's apparently fragile state of mind. End note.)

19. (SBU) Yettaw told Consul he has experienced heart pains daily for several months and that he has consented to wear a nitroglycerine patch on several occasions since the trial began. He also continues his fast, now in its 19th day. He told Consul that he is regularly taking vitamins, amino acids, and electrolytes on the advice of his doctors. Yettaw recounted to Consul how he fasted for 40 days in 1997 without any supplements, and reported he is not experiencing any discomfort as a result of his current fast. Nonetheless, Consul asked prison authorities to continue to offer Yettaw food and medication, even if he refuses it.

NLD Statement

10. (U) On May 25, the National League for Democracy issued a statement reiterating that despite ASSK's indictment and

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trial, she remains committed to dialogue and national reconciliation. The NLD said ASSK still has hope that opportunities for meaningful change exist and that something good can come from the current unfortunate situation.

Comment

11. (C) The regime has clearly picked up the pace of the trial and, concurrently, is redoubling efforts to demonstrate it is acting in accordance with Burmese law. In addition to briefing and providing periodic court access to diplomats and journalists, the government continues to run detailed summaries of the trial proceedings in its mouthpiece, the New Light of Myanmar. Few in attendance today will give credence to the GOB's claim that it was seriously considering the release of ASSK but for Yettaw's incursion. Most observers cynically presume the detention was set to continue, one way or another, and the uninvited American's visit to her home became a convenient pretext. End Comment.

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